

FIRST REGULAR SESSION

# SENATE BILL NO. 12

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0320S.011

## AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to a scholarship program for children and spouses of veterans killed in combat.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.238, to read as follows:

**173.238. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:**

(1) "Board", the coordinating board for higher education;

(2) "Books", any books required for any course for which tuition was paid by a grant awarded pursuant to this section;

(3) "Grant", the war veteran's survivors grant as established in this section;

(4) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in section 173.205;

(5) "Survivor", a child or spouse of a war veteran;

(6) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state;

(7) "War veteran", a person who served in armed combat in the military and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military service and at the time of death; and

19           **(b) The veteran dies as a result of combat action or the veteran's**  
20 **death was certified by a Veterans' Administration medical authority to**  
21 **be attributable to an illness that was contracted while serving in**  
22 **combat.**

23           **2. Within the limits of the amounts appropriated therefor, the**  
24 **coordinating board for higher education shall award annually up to**  
25 **twenty-five grants to survivors of war veterans to attend institutions of**  
26 **postsecondary education in this state, which shall continue to be**  
27 **awarded annually to eligible recipients as long as certain standards of**  
28 **academic performance, as determined by the coordinating board for**  
29 **higher education, continue to be achieved. If the waiting list of eligible**  
30 **survivors exceeds fifty, the coordinating board may petition the general**  
31 **assembly to expand the quota. If the quota is not expanded, then the**  
32 **eligibility of survivors on the waiting list shall be extended.**

33           **3. A survivor may receive a grant pursuant to this section only so**  
34 **long as the survivor is enrolled in a program leading to a certificate, or**  
35 **an associate or baccalaureate degree. In no event shall a survivor**  
36 **receive a grant beyond the completion of the first baccalaureate degree,**  
37 **regardless of age.**

38           **4. The coordinating board for higher education shall:**

39           **(1) Promulgate all necessary rules and regulations for the**  
40 **implementation of this section;**

41           **(2) Determine minimum standards of academic performance in**  
42 **order for a survivor to remain eligible to receive a grant under this**  
43 **section;**

44           **(3) Provide the forms and determine the procedures necessary for**  
45 **a survivor to apply for and receive a grant under this section.**

46           **5. Any rule or portion of a rule, as that term is defined in section**  
47 **536.010, RSMo, that is created under the authority delegated in this**  
48 **section shall become effective only if it complies with and is subject to**  
49 **all of the provisions of chapter 536, RSMo, and, if applicable, section**  
50 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
51 **and if any of the powers vested with the general assembly pursuant to**  
52 **chapter 536, RSMo, to review, to delay the effective date, or to**  
53 **disapprove and annul a rule are subsequently held unconstitutional,**  
54 **then the grant of rulemaking authority and any rule proposed or**  
55 **adopted after August 28, 2007, shall be invalid and void.**

56           **6. In order to be eligible to receive a grant pursuant to this**  
57 **section, a survivor shall be certified as eligible by the Missouri veterans'**  
58 **commission. In the case of an illness-related death, such certification**  
59 **shall be made upon qualified medical certification by a Veterans'**  
60 **Administration medical authority that the illness was both a direct**  
61 **result of the veteran's combat service and a substantial factor in the**  
62 **cause of the resulting death of the veteran.**

63           **7. A survivor who is enrolled or has been accepted for enrollment**  
64 **as an undergraduate postsecondary student at an approved institution**  
65 **of postsecondary education, and who is selected to receive a grant under**  
66 **this section, shall receive the following:**

67           **(1) An amount not to exceed half of the survivor's actual tuition;**

68           **(2) An allowance of up to two thousand dollars per semester for**  
69 **room and board; and**

70           **(3) The actual cost of books, up to a maximum of five hundred**  
71 **dollars per semester.**

72           **8. A survivor who is a recipient of a grant may transfer from one**  
73 **approved public institution of postsecondary education to another**  
74 **without losing his or her entitlement under this section. The board shall**  
75 **make necessary adjustments in the amount of the grant. If a grant**  
76 **recipient at any time withdraws from the institution of postsecondary**  
77 **education so that under the rules and regulations of that institution he**  
78 **or she is entitled to a refund of any tuition, fees, room and board, books,**  
79 **or other charges, the institution shall pay the portion of the refund to**  
80 **which he or she is entitled attributable to the grant for that semester or**  
81 **similar grading period to the board.**

82           **9. If a survivor is granted financial assistance under any other**  
83 **student aid program, public or private, the full amount of such aid shall**  
84 **be reported to the board by the institution and the eligible survivor.**

85           **10. Nothing in this section shall be construed as a promise or**  
86 **guarantee that a person will be admitted to an institution of**  
87 **postsecondary education or to a particular institution of postsecondary**  
88 **education, will be allowed to continue to attend an institution of**  
89 **postsecondary education after having been admitted, or will be**  
90 **graduated from an institution of postsecondary education.**

91           **11. The benefits conferred by this section shall be available to any**  
92 **academically qualified surviving spouse or children of war**

93 veterans. Surviving children who are eligible shall be permitted to  
94 apply for full benefits conferred by this section until they reach twenty-  
95 five years of age.

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